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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL GARROW,

Petitioner,

vs.

BRIAN E. WILLIAMS, SR., *et al.*,

Respondents.

Case No. 2:14-cv-02143-RFB-VCF

ORDER

This represented habeas matter is before the court on petitioner's *pro se* motion to substitute counsel (ECF No. 10). Petitioner Garrow states that his counsel, Lisa Rasmussen, has not communicated with him for several months, nor has she told petitioner that she wishes to withdraw as counsel. *Id.* at 1-2.

Respondents filed a motion to dismiss on June 1, 2015 (ECF No. 5). To date, counsel for petitioner has failed to respond to the motion in any way. Now, in response to petitioner's motion to substitute counsel, his current counsel states that she has not been paid for her work in this matter (ECF No. 11). She further states that in her view an amended petition should be filed in this case as well as a response to the motion to dismiss "but that she did not believe she was required to simply work for free." *Id.* at 2.

Counsel for petitioner has not moved to withdraw. Her utter failure to respond to the motion to dismiss violates the Nevada Rules of Professional Conduct. This court directs counsel for petitioner

1 to file an opposition to the motion to dismiss within thirty (30) days of the date of this order. If counsel
2 fails to do so she may face sanctions from this court.

3 Petitioner's motion to substitute counsel shall be denied without prejudice at this time.

4 **IT THEREFORE IS ORDERED** that within **thirty (30) days** of the date of this order counsel
5 for petitioner **SHALL FILE** an opposition to respondents' motion to dismiss. Counsel is expressly
6 advised that failure to do so may result in sanctions imposed by this court.

7 **IT FURTHER IS ORDERED** that respondents shall file their reply, if any, in accordance with
8 the normal motions briefing schedule under the local rules.

9 **IT FURTHER IS ORDERED** that petitioner's motion to substitute counsel (ECF No. 10) is
10 **DENIED** without prejudice.

11 DATED this 13th day of November, 2015.

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14 _____
15 RICHARD F. BOULWARE, II
16 UNITED STATES DISTRICT JUDGE
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